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8 UNITED STATES DISTRICT COURT  
9 WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

10 HUNG V. TRAN,

11 Plaintiff,

12 v.

13 NANCY A BERRYHILL, Acting  
Commissioner of Social Security,

14 Defendant.  
15

CASE NO. 2:16-CV-01375-DWC

ORDER DIRECTING PLAINTIFF TO  
PROVIDE ADDITIONAL  
DOCUMENTATION

16 This Court has jurisdiction pursuant to 28 U.S.C. § 636(c), Fed. R. Civ. P. 73 and Local  
17 Magistrate Judge Rule MJR 13. *See also* Notice of Initial Assignment to a U.S. Magistrate Judge  
18 and Consent Form, Dkt. 5; Consent to Proceed Before a United States Magistrate Judge, Dkt. 6.  
19 This matter is before the Court on Plaintiff's Stipulated Motion for Award of Attorney Fees  
20 Pursuant to the Equal Access to Justice Act, 28 U.S.C. Section 2412(d). Dkt. 20.

21 An application for attorney's fees under the Equal Access to Justice Act ("EAJA") must  
22 include "an itemized statement from any attorney . . . stating the actual time expended and the  
23 rate at which fees and other expenses were computed." 28 U.S.C. § 2412(d)(1)(B). An  
24 application must also include an affidavit reflecting Plaintiff's net worth did not exceed

1 \$2,000,000.00 at the time the civil action was filed. *See* 28 U.S.C. § 2412(d)(2)(B). Finally, as  
2 the EAJA awards attorney's fees to "the prevailing party," an application for fees payable  
3 directly to a plaintiff's attorney must include an assignment of the EAJA fee award from the  
4 plaintiff to his or her attorney. *See* 28 U.S.C. § 2412(d)(1)(A); *Astrue v. Ratliff*, 560 U.S. 586,  
5 598 (2010).

6 The Motion did not include an assignment of the EAJA fee award. *See* Dkt. 20. The  
7 Court notes the Motion also did not include an affidavit reflecting Plaintiff's net worth did not  
8 exceed \$2,000,000.00 at the time the civil action was filed; however, the Court finds this  
9 requirement has been met through Plaintiff's declaration filed in support of his application to  
10 proceed *in forma pauperis*. *See* Dkt. 1. Plaintiff is directed to provide to the Court with the  
11 assignment of the EAJA fee award on or before June 2, 2017.

12 Dated this 12th day of May, 2017.

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15 David W. Christel  
16 United States Magistrate Judge  
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